



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : Brian Robert Law
FOR : **PUMP DISPENSERS**
SERIAL NO. : 10/511,782
FILED : May 2, 2005
ATTORNEY DOCKET NO. : **MBNZ 2 00021**

PETITION TO MAKE SPECIAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants request that this application be made special because of actual infringement. A device that infringes claims of the application is on the market.

A copy of each of the references deemed most closely related to the subject matter encompassed by the claims has been provided by the International Bureau in connection with International Application Serial No. PCT/GB03/01685. This application is the entry into the national phase of the international application.

A statement signed by an attorney registered to practice before the Office in support of this Petition to Make Special is being filed concurrently with this Petition.

The necessary fee due under 37 C.F.R. 1.17(h) is being submitted herewith.

Payment for the filing of this Petition is authorized to be charged to a Credit Card. The

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appropriate form PTO-2038 is enclosed for this purpose. **If the Credit Card is unable to be charged, or if there are any further charges, please charge any and all fees or credit any overpayment to Deposit Account No. 06-0308.**

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

19 May 2006
Date

Jay F. Moldovanyi
Jay F. Moldovanyi, Reg. No. 29,678
1100 Superior Avenue, Seventh Floor
Cleveland, OH 44114-2518
216/861-5582

CERTIFICATE OF MAILING

I certify that this Petition to Make Special is being deposited with the United States Postal Service as First Class mail under 37 C.F.R. 1.8, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Date
May 19, 2006

Signature
<u>Kathleen A. Nimrichter</u>
Printed Name
Kathleen A. Nimrichter



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STATEMENT IN SUPPORT OF PETITION TO MAKE SPECIAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Statement is in support of the Petition to Make Special filed in connection with the above-identified application. There is an infringing product actually on the market in the United States.

A rigid comparison of the infringing product with the claims of this application has been made. In my opinion, at least some of the claims are unquestionably infringed.

A careful and thorough search of the prior art was caused to be made by the International Searching Authority during prosecution of PCT/GB03/01685, which is the international application that forms the basis for the instant application.

Information concerning the prior art search has been provided to the Examiner in the International Search Report dated 17 July 2003. The search was conducted by the European Patent Office.

The claims of the international application are broader than the claims of the above-identified application. More particularly, applicants have added the subject matter of claim 3 of the international application to pending claim 1 of the instant

application in the Preliminary Amendment dated April 28, 2005. Certain other changes to the claims were also made in the Preliminary Amendment.

Finally, it is submitted that all the claims of the instant application are allowable over such art.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

19 May 2006
Date

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	Signature <i>Kathleen A. Nimrichter</i>
Date May 19, 2006	Printed Name Kathleen A. Nimrichter